

his personal cell phone number. Moreover, the appellant's attorney asserts that the appellant should not be denied a fair hearing because of his misunderstanding.

In response, the appointing authority, represented by Charles E. Schlager, Jr., Esq., maintains that the appellant's request in this matter should be denied. Specifically, the appointing authority asserts that the appellant's attorney's statement that he was confused regarding the two court matters he was handling for appellant is inconsistent with the information that was immediately given to the Administrative Law Judge by email on May 25, 2021. He also argues that despite knowing the attorney professionally for a number of years and only learning that he was representing appellant within the 15 minute wait time, it was not his responsibility to contact him regarding the conference.

CONCLUSION

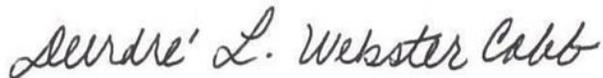
With regard to the instant matter, the appellant's attorney indicates that his and the appellant's non-appearance was due to his confusing the current matter with a concurrent civil matter. In this regard, when an appellant is represented by an attorney, OAL only sends notice of any proceedings to the attorney. Accordingly, as the appellant does not bear any individual responsibility for his failure to appear at the settlement conference and as he did not intend to abandon his appeal, it would be unfair not to permit him to pursue his statutory right to challenge his suspension based on an inadvertent error by his attorney.

Accordingly, the Civil Service Commission finds that under the circumstances presented in this matter, to deny the appellant a hearing on the merits of his disciplinary action would be unjust.

ORDER

Therefore, it is ordered that William Nielsen's request to reinstate his appeal be granted and the matter be transmitted to the OAL for further proceedings.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 21ST DAY OF JULY, 2021



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

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